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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,201	02/13/2001	Roger D. Wood	06683.0002.NPUS00	7037
7590	03/18/2004		EXAMINER	
Derek J. Jardieu HOWREY & SIMON 1299 Pennsylvania Avenue, N.W. Box No.34 Washington, DC 20004-2402			HAMILTON, MONPLAISIR G	
			ART UNIT	PAPER NUMBER
			2172	
DATE MAILED: 03/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/781,201	WOOD, ROGER D.	
	Examiner	Art Unit	
	Monplaisir G Hamilton	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 February 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-30 remain for examination.

Response to Arguments

2. Applicant's arguments, see Paper No. 5, filed 2/13/01, with respect to the rejection(s) of Claims 1-6 and 8-16 under 35 U.S.C. § 102(b) as being anticipated by US 5,748,737 issued to Daggar and Claims 17-21 and 23-30 under 35 U.S.C. § 102(b) as being anticipated by US 6,016,476 issued to Maes and Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Daggar in view of Data Dictionary, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 6068183 issued to Freeman et al.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-2, 5, 7-14, 17-22, 24-25 and 27-30 are rejected under 35 U.S.C. 102(a) as being anticipated by US 6068183 issued to Freeman et al, herein referred to as Freeman.

Referring to Claim 1:

Freeman discloses a portable authentication device, comprising: a body (Fig 1A; col 2, lines 50-60); a contact area disposed in said body (col 2, lines 60-65); an identification portion disposed in said body (col 2, lines 59-62); a display area disposed in said body and including an active display enabled for bistable performance (col 3, lines 1-10; col 6, lines 10-30); and a processor, disposed in said body, for providing data to said active display (col 3, lines 30-40).

Referring to Claim 17:

Freeman discloses an authentication system, comprising: a portable authentication device having an active display enabled for bistable performance (col 3, lines 1-10; col 6, lines 10-30); a database server (col 4, lines 15-30, 40-50); and an authentication device interface, coupling said portable authentication device and said database server (Fig 3).

Referring to Claim 23:

Freeman discloses A method for authenticating a patron having an authentication device, comprising: providing an authentication device having; an active display enabled for bistable performance (col 6, lines 10-30); updating a database server with authentication data associated with a venue (col 5, lines 10-15, 50-65); displaying display data corresponding to the authentication data on the authentication device (col 5, lines 60-65); establishing a communication between the authentication device and the database server; and deciding whether to grant the patron access to the venue based on the communication (col 2, lines 1-10; col 5, lines 40-65).

Referring to Claim 2:

Freeman discloses the limitations of Claim 1 above. Freeman further discloses a card approximating a size and shape of a standard credit card (col 2, lines 15-25; col 6, lines 55-65).

Referring to Claim 5:

Freeman discloses the limitations of Claim 1 above. Freeman further discloses said contact area further comprising: a contact enabled for receiving externally-supplied power (col 3, lines 30-35; col 6, lines 45-55).

Referring to Claim 7:

Freeman discloses the limitations of Claim 1 above. Freeman further discloses said active display comprising: a variable display (col 6, lines 10-30); wherein said variable display is enabled for bistable display of authentication information (col 2, lines 1-10).

Referring to Claim 8:

Freeman discloses the limitations of Claim 1 above. Freeman further discloses a machine-readable portion, coupled to said body, enabled for storage of machine-readable data (Fig 7; col 15, lines 15-23).

Referring to Claim 9:

Freeman discloses the limitations of Claim 8 above. Freeman further discloses said machine-readable portion comprises at least one of a magnetic strip and an optically-readable portion (Fig 1B; col 2, lines 60-67; col 5, lines 15-23).

Referring to Claim 10:

Freeman discloses the limitations of Claim 1 above. Freeman further discloses a communication portion, coupled to said body, for enabling said authentication device for wireless communication between said authentication device and an authentication device interface (col 2, lines 65-68).

Referring to Claim 11:

Freeman discloses the limitations of Claim 10 above. Freeman further discloses said communication portion comprising: a wireless transmitter/receiver (Fig 5A; col 2, lines 65-68).

Referring to Claim 12:

Freeman discloses the limitations of Claim 11 above. Freeman further discloses said communication portion further comprising: means for communicating data between said wireless transmitter/receiver and a location external to said authentication device (col 2, lines 65-68; col 5, lines 25-45).

Referring to Claim 13:

Freeman discloses the limitations of Claim 12 above. Freeman further discloses said means for communicating comprise an antenna embedded in said body (col 2, lines 65-68).

Referring to Claim 14:

Freeman discloses the limitations of Claim 1 above. Freeman further discloses a memory portion, disposed in said body, enabled for storing data (col 3, lines 45-55).

Referring to Claim 18:

Freeman discloses the limitations of Claim 17 above. Freeman further discloses an authentication device reader, coupled to said authentication device data interface, for

communicating directly with and identifying said portable authentication device (col 2, lines 30-35; Fig 3-4; col 4, lines 15-30; col 2, lines 1-10).

Referring to Claim 19:

Freeman discloses the limitations of Claim 17 above. Freeman further discloses a public network in communication with each of said portable authentication device, said database server and said authentication device interface (col 5, lines 50-65; Fig 5A).

Referring to Claim 20:

Freeman discloses the limitations of Claim 17 above. Freeman further discloses a venue portion, coupling said database server and said authentication device data interface; wherein said venue portion communicates authentication data associated with a venue to said authentication device interface upon detection of said authentication device (col 5, lines 50-65; col 2, lines 1-10).

Referring to Claim 21:

Freeman discloses the limitations of Claim 17 above. Freeman further discloses a patron portion, coupling said database server and said authentication device interface; wherein said patron portion communicates authentication data associated with a venue to said database server in response to a request by a patron (col 5, lines 50-62; Fig 3-5A).

Referring to Claim 24:

Freeman discloses the limitations of Claim 23 above. Freeman further discloses comparing identification data of the authentication device and the authentication data; and granting to the patron access to the venue if the identification data of the authentication device and the authentication data match (col 2, lines 1-10; col 5, lines 55-65).

Referring to Claim 25:

Freeman discloses the limitations of Claim 24 above. Freeman further discloses the identification data is identifiable with the patron based on patron data stored in the database server (col 4, lines 5-35).

Referring to Claim 27:

Freeman discloses the limitations of Claim 23 above. Freeman further discloses said establishing is of a communication link between an authentication device interface located at the venue and the database server (Fig 5A; col 5, 50-65).

Referring to Claim 28:

Freeman discloses the limitations of Claim 23 above. Freeman further discloses receiving a request from the patron for authorization to enter the venue; wherein said updating is in response to the request (col 2, lines 1-10).

Referring to Claim 29:

Freeman discloses the limitations of Claim 28 above. Freeman further discloses the request is received from a location remote to the database server (Fig 3; col 5, lines 1-20; col 5, lines 50-65).

Referring to Claim 30:

Freeman discloses the limitations of Claim 23 above. Freeman further discloses said establishing takes place over a public network (Fig 3-5A; col 5, lines 40-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6068183 issued to Freeman et al, herein referred to as Freeman.

Referring to Claim 3:

Freeman discloses the limitations as discussed in Claim 2 above.

Freeman does not explicitly disclose “said card is approximately 85 millimeters (mm) in length, 55mm in width and 1 mm thick.” However, Freeman does disclose that the card is readable by ATM machines. For this to be possible the cards dimension have to be comparable to 85(mm)X55(mm)X1(mm). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Freeman such that the card is approximately 85 millimeters (mm) in length, 55mm in width and 1 mm thick. One of ordinary skill in the art would have been motivated to do this because it would allow the card to be used like a regular banking/credit card (col 6, lines 55-65).

Referring to Claim 22:

Freeman discloses the limitations as discussed in Claim 17 above.

Freeman does not explicitly disclose “a phone ordering interface, coupling said database server to a public network; wherein said phone ordering interface communicates authentication data associated with a venue to said database server in response to a request by a patron received via a public switched telephone network (PSTN)” However, Freeman does disclose the use of a public network which uses a modem. A user can buy tickets via this network (Fig 5A, col 5, lines 50-65). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Freeman such that the ticket could be ordered over the phone. One of ordinary skill in the art would have been motivated to do this because it would reduce box-office lines (col 5, lines 55-65).

6. Claims 4, 6, 15-16 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6068183 issued to Freeman et al, herein referred to as Freeman in view of US 6268788 issued to Gray herein referred to as Gray.

Referring to Claim 4:

Freeman discloses the limitations as discussed in Claim 2 above.

Freeman does not explicitly disclose “said portable authentication device is enabled for communication with an authentication device interface, said processor being enabled for processing authentication information received from the authentication device interface.”

Gray discloses said portable authentication device is enabled for communication with an authentication device interface (Fig. 12B), said processor being enabled for processing authentication information received from the authentication device interface (col 15, lines 1-10).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Freeman such that the card can process authentication information. One of ordinary skill in the art would have been motivated to do this because it would the system to verify the identity of the person using the card (col 2, lines 40-50).

Referring to Claim 6:

Freeman discloses the limitations as discussed in Claim 1 above.

Freeman does not explicitly disclose “contact area further comprising: a contact enabled for communication of data between said authentication device and an authentication device interface.”

Gray discloses contact area further comprising: a contact enabled for communication of data between said authentication device and an authentication device interface (Fig. 8-12).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Freeman such that a contact enabled for communication of data between said authentication device and an authentication device interface. One of ordinary skill in the art would have been motivated to do this because it would the system to verify the identity of the person using the card (col 2, lines 40-50).

Referring to Claim 15:

Freeman discloses the limitations as discussed in Claim 1 above.

Freeman does not explicitly disclose “said memory portion stores biometric identification data of a patron.”

Gray discloses said memory portion stores biometric identification data of a patron (col 13, lines 40-45).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Freeman such that a memory portion stores biometric identification data of a patron. One of ordinary skill in the art would have been motivated to do this because it would the system to verify the identity of the person using the card (col 2, lines 40-50).

Referring to Claim 16:

Freeman in view of Gray disclose the limitations as discussed in Claim 15 above. Freeman further discloses said memory portion stores data for at least one of display in said active display area, for user authentication, for patron preferences and for system data (col 3, lines 30-40; 45-55).

Referring to Claim 26:

Freeman discloses the limitations as discussed in Claim 23 above. Freeman does not explicitly disclose “verifying an association between the patron and the authentication device prior to said granting.”

Gray discloses verifying an association between the patron and the authentication device prior to said granting (col 13, lines 40-45; col 15, lines 1-15).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Freeman such that an association between the patron and the

authentication device is verified prior to said granting. One of ordinary skill in the art would have been motivated to do this because it would the system to verify the identity of the person using the card (col 2, lines 40-50).

Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6607136 issued to Atsmon, Alon et al. Atsmon discloses an interactive authentication system that allows a consumer to interact with a base station, such as broadcast media (e.g., television and radio) or PC, to receive coupons, special sales offers, and other information with an electronic card. The electronic card can also be used to transmit a signal that can be received by the base station to perform a wide variety of tasks. These tasks can include launching an application, authenticating a user at a website, and completing a sales transaction at a website (e.g., by filling out a form automatically). The interaction between the base station and the electronic card is accomplished by using the conventional sound system in the base station so that a special reader hardware need not be installed to interact with the electronic card. The user is equipped with an electronic card that can receive and transmit data via sound waves. In the various embodiments, the sound waves can be audible or ultrasonic (which can be slightly audible to some groups of people).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is (703) 305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monplaisir Hamilton



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